

RESOLUTION NO. 75393

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING REVISIONS TO CITY COUNCIL POLICY 7-5 RELATING TO NAMING OF CITY-OWNED LAND AND FACILITIES

WHEREAS, the City Council of the City of San José ("City") initially adopted City Council Policy 7-5, "Naming of City-Owned Land and Facilities" by City Council action on April 24, 1972, which policy was then amended by City Council actions on November 3, 1992 and November 23, 1993 ("Policy"); and

WHEREAS, the City Council desires to amend the Policy to align with the new public-private partnership strategies in creating more opportunities for departments to generate revenue through an exchange of naming rights; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised City Council Policy 7-5, entitled "Naming of City-Owned Land and Facilities," which revised policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, replace City Council Policy 7-5, initially approved by the City Council on April 24, 1972 and amended by City Council actions on November 3, 1992 and November 23, 1993.

ADOPTED this 8th day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

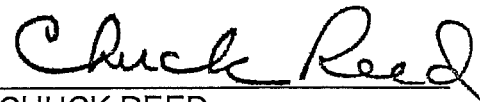
ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

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*City of San José, California***COUNCIL POLICY**

Naming of City-Owned Land and Facilities	PAGE 3 of 4	POLICY NUMBER 7-5
	EFFECTIVE DATE 00/00/00	REVISED DATE

APPROVED BY COUNCIL ACTION ON

The City of San José has a naming policy to guide the naming of public land and facilities. This revision updates the criteria and process to be used in considering the naming or renaming of public land and facilities, other than City streets, which is covered in City Council Policy 6-5.

Purpose

To establish Council policy regarding the determination of names to be given to City-owned land and facilities that are not City streets.

Policy

It is the policy of the City of San José to determine names for City-owned land and facilities after following the procedures set forth herein.

It is the Policy of the City of San José to encourage:

1. Naming which reflects the City's ethnic and cultural diversity;
2. Recognition of distinct geographic, environmental or developmental features, or names of historical significance in naming City lands and facilities;
3. Recognition of individuals who have made a significant contribution to San José, the State, the Nation or the World;

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4. Naming as early in the capital planning and development process as possible; and
5. Sponsorship through significant funding support from private donors for the construction and/or ongoing maintenance and operations of City lands and facilities in exchange for naming options. The minimum sponsorship or donation amount necessary to achieve the level of significant sponsorship or donation shall be determined by the responsible Department's Fundraising and Sponsorship guidelines¹ as approved by the City Manager, unless otherwise approved by City Council.

Background

The City Council of the City of San José is responsible for the naming of City-owned land and facilities. From time to time, the public desires to have City-owned land and facilities such as parks, athletic fields, the airport and golf courses, be named after venerated individuals, geographic features, or prominent organizations. Furthermore, the policy creates opportunities for the City to attract potential donors and sponsors who contribute significant funds to assist the City in construction, maintenance, or operations of City lands and facilities, in exchange for naming rights.

Implementation Guidelines

GENERAL PROVISIONS

I. ESTABLISHMENT OF A NEW NAME FOR CITY-OWNED LAND AND FACILITIES

1. A public hearing by the appropriate Commission or Council Committee shall be held in order for the proper body and responsible Department to develop a recommendation to the City Council.
2. Potential names shall be considered if reflective of at least one of the following criteria:
 - a. Geographic location
 - b. Prominent geographic feature or local reference point
 - c. Adjoining subdivision/community
 - d. Historical event
 - e. A deceased individual (see criteria below)
 - f. An individual via a donation or sponsorship agreement
 - g. A group via a donation or sponsorship agreement

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3. Consideration shall be given to the naming of City-Owned land and facilities after an individual only if one of the following criteria has been met:
 - a. The individual has been deceased for at least 5 years, and made significant contributions to the City through a long-term commitment to providing benefit to the residents and visitors to San José.
 - b. The individual has been deceased for at least 5 years, and made significant contributions to the State, the Nation or to the World through a long-term commitment to providing benefits to others, and the results of these efforts have also provided significant benefits to San Jose's residents and visitors.
 - c. A donation or sponsorship from an individual, deceased or living, of a significant level (as determined by the appropriate Department's City Manager approved Fundraising and Sponsorship Guidelines consistent with this Policy)) has been accepted by the City in exchange for naming City property or facility after the individual.
4. This Policy is intended to apply to the naming of City lands such as entire parks or other City facilities that are more substantial than an "amenity" (as defined in Other General Provisions #3 below) and requires City Council approval in conformance with this policy. Any capital campaign materials and all Fundraising and Sponsorship Guidelines shall indicate that no naming rights may be granted and the City shall not be obligated to name land, parks or any other facility that is more substantial than an amenity, notwithstanding any payment to the City, unless and until City Council has approved the naming of the land or facility pursuant to this Policy.

II. DONATION AND SPONSORSHIP

1. Consideration shall be given to the naming of City-owned land and facilities to a living individual, a group or private entity through a donation or sponsorship, only if one of the following criteria has been met:
 - a. The land or the money for its purchase has been donated for the benefit of the individual, group or entity.
 - b. A substantial financial contribution to the City (as determined consistent with this Policy) for the improvement, upkeep or operation of the land or facility has been provided to the City in exchange for the naming of the land or facility.
 - 1.b.1. The contribution amount must be in alignment with the responsible Department's Fundraising and Sponsorship Guidelines as stated in Council Policy 1-17.

III. RENAMING OF CITY-OWNED LAND AND FACILITIES

1. It is the policy of the City to retain long-standing names of City-owned land and facilities unless the following criteria has been met:
 - a. An individual, group, or private company has made a substantial contribution to the City for the acquisition, improvement, upkeep, or operation of the land or a facility, and in accordance with City Council Policy 1-17 and pursuant to a Department's approved Fundraising and Sponsorship Guidelines, unless otherwise approved by City Council.
 - b. Even if funds are offered in exchange for naming rights, staff shall make reasonable efforts to have the donor or sponsor agree to incorporate the existing name into a newly recommended name while still acknowledging the funding support of the donor or sponsors. An example of this proposal would be "Dr. Roberto Cruz, Alum Rock Library". Nothing herein limits the requirement of City Council approval for naming rights pursuant to this policy.

IV. OTHER GENERAL PROVISIONS

1. The San José Municipal Code established limits upon the City Managers' contracting authority in Chapter 4.04 of the San José Municipal Code, as it may be amended from time to time.
2. The naming of interior rooms of City-owned facilities, smaller areas within a park, and other "amenities" on City-owned land will not be required to follow this Policy but may be named subject to the City Manager's approval.
3. An "amenity" is an improvement located on identifiable City property such as a wall on a park, a plaza in front of a City building, a trail located along City property, an interior room or rooms in a building. A fully enclosed structure such as a City building with walls and roof (examples being community center, stand-alone gym, a warehouse, or stand-alone building housing a restroom and locker room) is more substantial than an amenity and City Council approval is required before granting naming rights. An amenity may include the following if located on City property: plazas located that constitute only a portion of a larger parcel City property, gazebos, archways, paths, athletic facilities that are not enclosed structures or stand-alone City buildings, picnic areas, tot lots, play structures, hard courts, and trail segments. If the administration is unsure if a specific City improvement is an amenity or more substantial than an amenity, the City Manager shall seek direction from the City Council Rules Committee.
4. Guidelines for amenities and interior naming opportunities is a part of the Department's internal Fundraising and Sponsorship guidelines as referenced in City Policy 1-17.²

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5. The staff of the Department overseeing the consideration of the naming rights will ensure that implementation of this policy does not conflict with existing Municipal Code provisions or existing City policy.
 - a. These could include, but are not limited to, Chapter 4.04 of the San José Municipal Code, Donation, Sponsorship, and Fundraising Guidelines (Policy 1-17), the Code of Ethics (Policy 0-15), the City's Zoning Code (Title 20 of the SJ Municipal Code) and Sign Ordinance (Title 23 of the SJ Municipal Code), City procurement requirements, the Prevailing Wage and Living Wage Policies, Uses of Public Property (Policy 6-16), the California Environmental Quality Act, and the Long-Term Use of City Parklands for Private Enterprise Purposes (Policy 7-8).

V. THE NOMINATION PROCESS

All requests to City Council, including those developed by City or Agency Staff, for naming or renaming of City-owned lands and facilities must be submitted to the City Clerk and contain detailed justification for the request, except for names that are put forward at the public hearings held by the applicable Commission, Council Committee, or City Council.

1. Any person may recommend a name by submitting a written request to the Office of the City Clerk.
 - a. The proposal will provide the minimum of information contained on the form provided by the City Clerk.
2. The City Clerk will transmit the form and supporting documents to the proper Commission, Council Committee, and Department for review and, if deemed appropriate and consistent with this Policy, the scheduling of a public hearing before a recommendation is made to the Council. If it is unclear which Commission or Council Committee would be appropriate for review, the naming request shall be made to the City Council Rules Committee.
 - a. The request for consideration of a new name or renaming for City land or City facility shall follow all appropriate public noticing regulations for the identified Commission or Council Committee.
 - b. The Department shall make a determination of appropriate action based on this Policy and its approved Sponsorship Guidelines.
 - 2.b.1. Department staff will prepare a report and recommendation to the appropriate Commission or Committee and a subsequent memo for City Council approval addressing the Department's and the Commission's

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recommendation on a proposed City-owned land or facility naming and renaming. The report shall include a Net Benefit Analysis that includes an evaluation of factors such as: proposed length of sponsorship opportunity; the cost of sponsorship; and the ratio of the funding provided by the proposed donation or sponsorship to the costs of acquisition, construction, ongoing facility operations and maintenance; current market factors; and alignment to the Department's Fundraising and Sponsorship Guidelines and business plans.

3. Any person may speak at the public hearing on the proposed name and may suggest one or more new names for the City property.
4. After action has been taken on the nomination by the appropriate Commission or Council Committee, the recommendation will be sent back to the City Clerk to be placed on the City Council agenda.
5. The Clerk will notify the petitioner of the date for Council consideration and/or the subsequent action by City Council.

¹ As required in Council Policy 1-17 (Donation, Sponsorship and Fundraising Guidelines)

² Staff in the respective department will work with City Attorney's Office in order to determine the restrictions, including without limitation federal tax law restrictions related to naming opportunities. Assuming that it is determined that naming opportunities may proceed, the Department may include a list of the significant interior naming opportunities and naming opportunities of other "Amenities" and corresponding sponsorship or giving levels. Interior naming opportunities may also be offered at existing facilities. The respective Department Head will submit the list of naming opportunities to the City Manager, for approval.